

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

### I. (a) PLAINTIFFS

DORYS POLANCO

(b) County of Residence of First Listed Plaintiff Passaic County, NJ  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Christopher A. Bradley, Brandon J. Broderick, LLC, 850  
Bear Tavern Road, Suite 106, Ewing, NJ 08268;  
201-882-7880

### DEFENDANTS

ASHFORD TRS BUCKS COUNTY, LLC, d/b/a SHERATON  
BUCKS COUNTY; and JOHN DOE 1-10 (fictitiously named);

County of Residence of First Listed Defendant Dallas County, TX  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Victoria M. Komarnicki, Bennett, Bricklin & Saltzburg LLC,  
Centre Square West, 1500 Market St., 32nd Floor,  
Philadelphia PA 19102-215-665-3303

### II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

### III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

### IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 340 Marine Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee		<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence		<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
IMMIGRATION				
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 465 Other Immigration Actions		

### V. ORIGIN (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**28 USC 1332(c)**

Brief description of cause:

**Premises Liability claim-slip and fall**

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** Excess of \$50,000 **CHECK YES only if demanded in complaint:** **JURY DEMAND:**  Yes  No

### VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

Apr 20, 2022

SIGNATURE OF ATTORNEY OF RECORD

/s/ Victoria M. Komarnicki

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**DESIGNATION FORM**

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 96 E. 33rd Street , 2nd Floor, Paterson, NJ 07514

Address of Defendant: 14185 Dallas Parkway, Suite 1100, Dallas, Texas 75254

Place of Accident, Incident or Transaction: 400 Oxford Valley Road, Langhorne, PA 19047

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

I certify that, to my knowledge, the within case  is /  is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 04/20/2022

*Victoria M. Komarnicki*

Attorney-at-Law / Pro Se Plaintiff

34673

Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases  
(Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): premises liability-slip & fall
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases  
(Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, \_\_\_\_\_, counsel of record or pro se plaintiff, do hereby certify:

- Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

DORYS POLANCO :  
v. :  
ASHFORD TRS BUCKS COUNTY, LLC, :  
d/b/a SHERATON BUCKS COUNTY :  
and : NO.  
JOHN DOE 1-10 (fictitiously named); and :  
ABC Co. 1-10 (fictitiously named), and XYZ :  
Corporations 1-10 (fictitiously named :  
construction, maintenance, repair and/or :  
property management corporations) :  
:

**NOTICE OF REMOVAL**

AND NOW, comes the defendant for the purpose of removing this case to the United States District Court for the Eastern District of Pennsylvania, and respectfully avers as follows:

1. This is a civil action filed and pending in the Court of Common Pleas of Philadelphia County, Pennsylvania, No. 220302596.
2. Suit was initiated by Complaint filed March 24, 2022. See Exhibit "A".
3. The Complaint was received by the moving defendant, Ashford TRS Bucks County, LLC d/b/a Bucks County Sheraton on March 28, 2022.
4. By Stipulation filed with the Court on April 8, 2022 the parties agreed to dismiss all defendants except for Ashford TRS Bucks County, LLC d/b/a Bucks County Sheraton, and to correct the name of the defendant. Defendant filed an Answer to the Complaint on April 12, 2022. See Exhibit "B" for the Answer and the Stipulation is attached as Exhibit "A" to the Answer.
5. Ashford TRS Bucks County, LLC d/b/a Bucks County Sheraton is a Delaware limited liability company with its principal place of business at 14185 Dallas Parkway, Suite 1100,

Dallas, Texas, 75254, and therefore, is a citizen of Texas for purposes of determining diversity. 28 U.S.C. § 1332(c) (1).

6. Ashford TRS Bucks County, LLC d/b/a Bucks County Sheraton is 100% owned by Ashford TRS Senior C1 LLC, a Delaware limited liability company with its principal place of business at 14185 Dallas Parkway, Suite 1100, Dallas, Texas, 75254 and therefore, is a citizen of Texas for purposes of determining diversity. 28 U.S.C. § 1332(c)(1).

7. Ashford TRS Senior C1 LLC is a Delaware limited liability company with its principal place of business at 14185 Dallas Parkway, Suite 1100, Dallas, Texas, 75254 and therefore, is a citizen of Texas for purposes of determining diversity. 28 U.S.C. § 1332(c)(1).

8. Ashford TRS Senior C1 LLC is 100% owned by Ashford TRS Junior C1 LLC, a Delaware limited liability company with its principal place of business at 14185 Dallas Parkway, Suite 1100, Dallas, Texas, 75254 and therefore, is a citizen of Texas for purposes of determining diversity. 28 U.S.C. § 1332(c)(1).

9. Ashford TRS Junior C1 LLC is 100% owned by Ashford TRS Corporation, a Delaware corporation with its principal place of business at 14185 Dallas Parkway, Suite 1100, Dallas, Texas, 75254 and therefore, is a citizen of Texas for purposes of determining diversity. 28 U.S.C. § 1332(c)(1).

10. Ashford TRS Corporation is a Delaware corporation with its principal place of business at 14185 Dallas Parkway, Suite 1100, Dallas, Texas, 75254 and therefore, is a citizen of Texas for purposes of determining diversity. 28 U.S.C. § 1332(c)(1).

11. All other defendants, except Ashford TRS Bucks County, LLC d/b/a Bucks County Sheraton have been dismissed by Stipulation of Counsel. See Exhibit “A” to the Answer to the

Complaint which is Exhibit "B" hereto.

12. Plaintiff is now and was at the time this action was filed a citizen of the state of New Jersey.

13. Plaintiff makes the following claims in her Complaint: due to the defendant's negligence on July 22, 2020 she slipped and fell on a puddle of water and ice on the floor and sustained severe and permanent injuries. She sustained tears of her left knee tendons, right shoulder tendons, and injuries to her neck, back and other body parts, ligaments, muscle, tissue and nerves, requiring surgery and other medical treatment. See Exhibit "A", ¶¶ 9, 15.

14. In addition, plaintiff claims that her injuries have caused loss of income and other economic losses, including medical expenses and loss of life's pleasures, mental anguish, emotional distress, disfigurement, embarrassment and humiliation. See Exhibit "A", ¶¶ 16-18.

15. Plaintiff's Complaint demands an amount in excess of \$50,000.00.

16. Defendant asked plaintiff to stipulate that the amount in controversy does not exceed Seventy Five Thousand Dollars (\$75,000.00); she has not agreed to do so.

17. Pursuant to 28 U.S. C. §1332 the amount in controversy between plaintiff and defendant is in excess of Seventy Five Thousand Dollars (\$75,000) exclusive of interest and costs, based upon the serious and permanent nature of plaintiff's claimed injuries and the damages claimed as set forth in the Complaint and as stated herein. Exhibit "A", ¶¶ 14-18.

18. In addition to the above stated amount in controversy requirement, this Court may exercise jurisdiction over this civil suit since it involves a controversy between citizens of different states. Plaintiff is a citizen of the State of New Jersey. Defendant is a citizen of the State of Texas.

19. Defendant files this Notice of Removal pursuant to 28 U.S.C. §1446(b) which

provides, in pertinent part, that:

The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.

20. This Notice of Removal is being filed within 30 days of defendant's receipt of the Complaint.

21. The averments made herein are true and correct with respect to the date upon which the Complaint was filed, the date upon which defendant received the Complaint, and the date upon which this Notice is being filed.

22. Defendant has simultaneously with the filing of this Notice given written notice to plaintiff.

23. Defendant is filing a copy of the within Notice of Removal and all attachments with the Prothonotary of the Court of Common Pleas of Philadelphia County.

WHEREFORE, defendant hereby removes this suit to this Honorable Court pursuant to the laws of the United States.

**BENNETT, BRICKLIN & SALTZBURG LLC**

BY: /s/ Victoria M. Komarnicki

**VICTORIA M. KOMARNICKI**

Attorney I.D. No. 34673

Centre Square, West Tower

1500 Market Street, 32<sup>nd</sup> Floor

Philadelphia, PA 19102

(215) 665-3303

[komarnicki@bbs-law.com](mailto:komarnicki@bbs-law.com)

Attorney for Defendant,

Ashford TRS Bucks County, LLC d/b/a Bucks County Sheraton (incorrectly named Ashford TRS Bucks County, LLC d/b/a Sheraton Bucks County)

April 20, 2022

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

DORYS POLANCO

v.

ASHFORD TRS BUCKS COUNTY, LLC,  
d/b/a SHERATON BUCKS COUNTY

and

JOHN DOE 1-10 (fictitiously named); and  
ABC Co. 1-10 (fictitiously named), and XYZ  
Corporations 1-10 (fictitiously named  
construction, maintenance, repair and/or  
property management corporations)

: NO.

:

:

:

:

:

**NOTICE TO PLAINTIFFS**

TO: Dorys Polanco c/o Christopher A. Bradley, Esquire  
Brandon J. Broderick, LLC  
850 Bear Tavern Road, Suite 106  
Ewing, NJ 08628

Please take notice that defendant by its attorneys Bennett, Bricklin & Saltzburg LLC has filed a Notice of Removal in the United States District Court for the Eastern District of Pennsylvania removing to that Court a Civil Action previously pending in the Court of Common Pleas of Philadelphia County, No. 220302596 captioned Doris Polanco v. Ashford TRS Bucks County, LLC, d/b/a Sheraton Bucks County, and John Doe 1-10 (fictitiously named), and ABC Co. 1-10 (fictitiously named), and XYZ Co. 1-10 (fictitiously named construction, maintenance, repair and/or property management corporations).

**BENNETT, BRICKLIN & SALTZBURG LLC**

**BY: /s/ Victoria M. Komarnicki**

**VICTORIA M. KOMARNICKI**

Attorney I.D. No. 34673

Centre Square, West Tower

1500 Market Street, 32<sup>nd</sup> Floor

Philadelphia, PA 19102

(215) 665-3303

[komarnicki@bbs-law.com](mailto:komarnicki@bbs-law.com)

Attorney for Defendant,

Ashford TRS Bucks County, LLC d/b/a Bucks

County Sheraton (incorrectly named Ashford TRS

Bucks County, LLC d/b/a Sheraton Bucks County)

April 20, 2021

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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DORYS POLANCO	:
	:
v.	:
	:
ASHFORD TRS BUCKS COUNTY, LLC,	:
d/b/a SHERATON BUCKS COUNTY	:
	: NO.
and	:
	:
JOHN DOE 1-10 (fictitiously named); and	:
ABC Co. 1-10 (fictitiously named), and XYZ	:
Corporations 1-10 (fictitiously named	:
construction, maintenance, repair and/or	:
property management corporations)	:

**PROOF OF FILING**

COMMONWEALTH OF PENNSYLVANIA

§

COUNTY OF PHILADELPHIA

Victoria M. Komarnicki, Esquire, being duly sworn according to law, deposes and says that she is a member of the law firm of Bennett, Bricklin & Saltzburg LLC, attorneys for defendant, and that she did direct the filing with the Prothonotary of the Court of Common Pleas of Philadelphia County a copy of the Notice of Removal attached hereto, said filing to be made on April 20, 2022.

**BENNETT, BRICKLIN & SALTZBURG LLC**

BY : /s/ Victoria M. Komarnicki  
**VICTORIA M. KOMARNICKI**  
Attorney I.D. No. 34673  
Centre Square, West Tower  
1500 Market Street, 32<sup>nd</sup> Floor  
Philadelphia, PA 19102  
(215) 665-3303  
[komarnicki@bbs-law.com](mailto:komarnicki@bbs-law.com)  
Attorney for Defendant,  
Ashford TRS Bucks County, LLC d/b/a Bucks  
County Sheraton (incorrectly named Ashford TRS  
Bucks County, LLC d/b/a Sheraton Bucks County)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DORYS POLANCO

v.

ASHFORD TRS BUCKS COUNTY, LLC,  
d/b/a SHERATON BUCKS COUNTY

NO.

and

JOHN DOE 1-10 (fictitiously named); and  
ABC Co. 1-10 (fictitiously named), and XYZ  
Corporations 1-10 (fictitiously named  
construction, maintenance, repair and/or  
property management corporations)

COMMONWEALTH OF PENNSYLVANIA

§

COUNTY OF PHILADELPHIA

**PROOF OF SERVICE**

Victoria M. Komarnicki, Esquire, after being first duly sworn upon oath, deposes and says that she is a member of the law firm of Bennett, Bricklin & Saltzburg, LLC, attorneys for the defendants; and that she did serve this 20th day of April, 2022 the aforementioned Notice to plaintiff upon the individuals named below via electronic filing and via email to:

Dorys Polanco c/o Christopher A. Bradley, Esquire  
Brandon J. Broderick, LLC  
850 Bear Tavern Road, Suite 106  
Ewing, NJ 08628

**BENNETT, BRICKLIN & SALTZBURG LLC**

**BY: /s/ Victoria M. Komarnicki**

**VICTORIA M. KOMARNICKI**

Attorney I.D. No. 34673

Centre Square, West Tower

1500 Market Street, 32<sup>nd</sup> Floor

Philadelphia, PA 19102

(215) 665-3303

[komarnicki@bbs-law.com](mailto:komarnicki@bbs-law.com)

Attorney for Defendant,

Ashford TRS Bucks County, LLC d/b/a Bucks  
County Sheraton (incorrectly named Ashford TRS  
Bucks County, LLC d/b/a Sheraton Bucks County)

# **EXHIBIT “A”**

**BRANDON J. BRODERICK, LLC**  
**Christopher A. Bradley, Esq. (Attorney ID: 84818)**  
**850 Bear Tavern Rd., Suite 106**  
**Ewing, NJ 08628**  
**cbradley@brandonjbroderick.com**  
**201-882-7880**  
**Fax 609-256-7334**

		<b>Attorney for Plaintiffs</b>
<b>DORYS POLANCO</b> <b>96 East 33<sup>rd</sup> St., 2<sup>nd</sup> Floor</b> <b>Paterson, NJ 07514,</b>	<b>Plaintiff</b>	<b>COURT OF COMMON PLEAS</b>
<b>v.</b>		<b>PHILADELPHIA COUNTY</b>
<b>ASHFORD TRS BUCKS COUNTY, LLC,</b> <b>d/b/a SHERATON BUCKS COUNTY</b> <b>14185 Dallas Parkway, Ste. 1100</b> <b>Dallas, TX 75254,</b>		<b>No.</b>
<b>and</b>		
<b>JOHN DOE 1-10 (fictitiously named); and</b> <b>ABC Co. 1-10 (fictitiously named), and XYZ</b> <b>Corporations 1-10 (fictitiously named</b> <b>construction, maintenance, repair and/or</b> <b>property management corporations)</b>		
	<b>Defendants</b>	

### **COMPLAINT**

1. Plaintiff, Dorys Polanco, is an adult individual residing at the above address.
2. At all relevant times, Defendant, Ashford TRS Bucks County, LLC, d/b/a Sheraton Bucks County (“Sheraton”) was a business corporation organized and existing under the laws of the State of Texas with a registered address as stated above and was operating a hotel under the fictitious Sheraton Bucks County, located at 400 Oxford Valley Rd., Langhorne, PA 19047.
3. At all relevant times, Sheraton owned, operated, controlled and/or managed property with an address of 400 Oxford Valley Rd., Langhorne, PA 19047.

4. At all relevant times, Sheraton employed, hired and supervised employees, servants, agents and/or contractors to perform work at the property located at 400 Oxford Valley Rd., Langhorne, PA 19047.

5. At all relevant times, Defendants, JOHN DOE 1-10 (fictitiously named); and ABC Co. 1-10 (fictitiously named), and XYZ Corporations 1-10 (fictitiously named construction, maintenance, repair and/or property management corporations), (collectively referred to as "John Doe Defendants") were individuals residing within and corporations organized and existing under the laws of the Commonwealth of Pennsylvania with registered addresses unknown at present.

6. At all relevant times, the defendants were responsible for cleaning, inspecting and maintaining the walking surfaces at the property located at 400 Oxford Valley Rd., Langhorne, PA 19047.

7. At all relevant times, Defendants employed, hired and supervised employees, servants, agents and/or contractors to perform work at the premises located at 400 Oxford Valley Rd., Langhorne, PA 19047.

8. At all relevant times, Defendants regularly conducted business in Philadelphia County.

#### **FACTUAL BACKGROUND**

9. On July 22, 2020, at or around 3:00 pm, Dorys Polanco was a business invitee at Defendants' property specified above, there in her capacity as a member of the public and customer of the business operated by defendants.

10. When Ms. Polanco was walking past the elevators, she was caused to fall by a puddle of water and ice that was present on the floor for a substantial period of time, twisting her legs and causing her to fall on the floor, causing her severe and permanent injuries described more fully below.

11. The enduring presence of the defective condition was known or should have been known to defendants for a substantial period prior to Ms. Polanco's fall.

12. The area where Ms. Polanco fell was under the exclusive control of defendants, and Ms. Polanco in no way contributed to the happening of this incident.

13. Ms. Polanco's fall and injuries were proximately and factually caused by the defendants and their employees, agents, workmen and/or representatives' failure to identify and remediate the hazardous condition on the walking surface.

14. As a direct and proximate result of this incident, plaintiff sustained bodily injuries, developed mental distress, required medical care, including surgery, and sustained permanent injuries and economic losses.

15. The bodily injuries proximately resulting from the incident include, but are not limited to, tear of left knee tendons, tear of right shoulder tendons with surgical repair, and injuries to her neck, back and other body parts, ligaments, muscles, tissue and nerves, requiring surgery and other medical treatment.

16. Plaintiff has in the past and may into the indefinite future, endure pain, suffering, loss of life's pleasures, inconvenience, mental anguish, emotional distress, disfigurement, embarrassment and humiliation, all to her great detriment and loss, financial and otherwise.

17. Plaintiff, in suffering these injuries has incurred past medical expenses, and may incur additional medical expenses into the future.

18. Plaintiff, in suffering these injuries, has incurred income loss and may incur additional economic losses into the future.

**COUNT I - NEGLIGENCE**  
**PLAINTIFF DORYS POLANCO v. DEFENDANTS**

19. Plaintiff hereby incorporates the above paragraphs above as if they were set forth

fully and completely herein.

20. Defendants had a duty to inspect, maintain, not cause a hazard, have their employees and agents maintain the walking surfaces at the facility in a safe and reasonable manner, and have policies and procedures to provide a safe environment for its workers, residents and visitors that are followed by their employees and agents.

21. Defendants breached these duties by failing to properly inspect and maintain the walking surfaces, by causing a hazard, and/or by negligently inspecting and maintaining the walking surfaces allowing it to become a dangerous condition and a foreseeable injury hazard, and Defendant(s) are liable directly and/or vicariously for the negligent acts and/or omissions of their employees or agents.

22. Defendants acted negligently by:

(a) failing to inspect, failing to warn, failing to maintain the walking surfaces, failing to adequately remove hazards, or take other reasonable measures to maintain the walking surfaces in a safe condition;

(b) failing to hire, supervise and retain trained and competent employees, servants and/or workers to inspect the property and maintain the property, and to take other actions to ensure a safe environment, including performing adequate inspections and clearing of walking surfaces, and/or failing to have a sufficient number of workers to perform these tasks, and/or failing to supervise the employees, servants or agents who worked at the property;

(c) failing to take other actions to remove or relocate the hazards in a safe and reasonable fashion;

(d) failing to have and/or to follow and enforce policies and guidelines for inspecting and maintaining the walking surfaces on the premises;

(e) failing to provide safe walking surfaces on the premises for visitors;

(f) failing to inspect and monitor the conditions of the walking surfaces on the premises;

23. Each of the foregoing acts of negligence operating separately, in combinations of two or more, or jointly and cumulatively, was a proximate cause of plaintiff's injuries and losses set forth herein.

24. Plaintiff in no way contributed to the happening of this accident and acted reasonably at all times.

**WHEREFORE**, Plaintiff demands damages from the Defendants herein, in an amount in excess of Fifty Thousand Dollars (\$50,000.00) plus interest thereon and costs.

**BRANDON J. BRODERICK,  
ATTORNEY AT LAW**

By: s/Christopher A. Bradley  
Christopher A. Bradley, Esquire  
Attorney for Plaintiff

Date: March 24, 2022

## **EXHIBIT “B”**

TO THE ~~WITHIN NAMED~~ PARTIES  
YOU ARE HEREBY NOTIFIED TO FILE  
A WRITTEN RESPONSE WITHIN ~~10 APR 2022 07:24 am~~  
ENCLOSED ~~NEW MATTER~~ WITHIN TWENTY (20) DAYS FROM  
SERVICE HEREOF OR A JUDGMENT  
MAY BE ENTERED AGAINST YOU.

VMK

**BENNETT, BRICKLIN & SALTZBURG LLC**

By: Victoria M. Komarnicki  
Attorney I.D. No. 34673  
Centre Square, West Tower  
1500 Market Street, 32nd Floor  
Philadelphia, PA 19102  
(215) 665-3303  
komarnicki@bbs-law.com

Attorney for Defendant,  
Ashford TRS Bucks County, LLC d/b/a  
Bucks County Sheraton

**DORYS POLANCO**

v.

ASHFORD TRS BUCKS COUNTY, LLC,  
d/b/a SHERATON BUCKS COUNTY;  
and JOHN DOE 1-10 (fictitiously named); and  
ABC Co. 1-10 (fictitiously named), and XYZ  
Corporations 1-10 (fictitiously named  
construction, maintenance, repair and/or  
property management corporations)

: COURT OF COMMON PLEAS  
: PHILADELPHIA COUNTY

:  
: NO. 220302596

**ANSWER OF DEFENDANT ASHFORD TRS BUCKS COUNTY, LLC d/b/a BUCKS  
COUNTY SHERATON TO THE PLAINTIFF'S COMPLAINT WITH NEW MATTER  
ADDRESSED TO THE PLAINTIFF**

**ANSWER**

1. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information to form a belief regarding the truth of the allegations of this paragraph of the complaint and, accordingly, said allegations are denied and strict proof thereof is demanded at the time of trial.

2. Denied. The correct name of answering defendant is Ashford TRS Bucks County, LLC d/b/a Bucks County Sheraton, a Delaware limited liability corporation with its principal place

of business located at 14185 Dallas Parkway, Suite 1100, Dallas, Texas 75254. See attached Stipulation of Counsel, Exhibit "A".

3. Denied. Ashford TRS Bucks County, LLC d/b/a/ Bucks County Sheraton operated and maintained the Bucks County Sheraton located at 400 Oxford Valley Road, Langhorne, PA 19047 at all times relevant hereto. The allegations of ownership are denied. The remaining allegations are legal conclusions or at issue and strict proof is demanded.

4, 7. Denied. The allegations of the agency and employment of unidentified individuals are denied.

5. The parties identified in this paragraph of the complaint have been dismissed. See attached Stipulation of Counsel, Exhibit "A".

6. Denied at stated. Ashford TRS Bucks County, LLC d/b/a/ Bucks County Sheraton operated and maintained the Bucks County Sheraton located at 400 Oxford Valley Road, Langhorne, PA 19047 at all times relevant hereto, including cleaning, inspecting and maintaining the area where plaintiff claims she slipped and fell.

8. Denied. Ashford TRS Bucks County, LLC d/b/a/ Bucks County did not conduct business in Philadelphia.

9. Denied as stated. It is admitted only that on July 22, 2020 plaintiff was a registered guest staying at the Bucks County Sheraton.

10 through 18. Denied. It is admitted only that on July 22, 2020 plaintiff reported that she slipped and fell in the elevator lobby. The allegations of notice, of a defective condition and the agency and employment of unidentified individuals are denied. After reasonable investigation, answering defendant is without sufficient knowledge or information to form a belief regarding the truth of the remaining allegations of these paragraphs of the complaint and, accordingly, said

allegations are denied, and strict proof thereof is demanded at the time of trial.

**COUNT I-NEGLIGENCE**

19. Denied. Answering defendant incorporates herein by reference paragraphs 1 through 18 hereof with the same force and effect as if set forth here at length.

20 through 24. Denied. Answering defendant denies the allegations of the agency and employment of unidentified individuals, of notice, a defective or hazardous condition, and negligence to which reference is made in these paragraphs of the complaint. After reasonable investigation, answering defendant is without sufficient knowledge or information to form a belief regarding the truth of the remaining allegations of these paragraphs of the complaint and, accordingly, said allegations are denied, and strict proof thereof is demanded at the time of trial.

WHEREFORE, answering defendant, Ashford TRS Bucks County, LLC d/b/a Bucks County Sheraton, demands that the plaintiff's complaint against it be dismissed.

**NEW MATTER ADDRESSED TO THE PLAINTIFF**

25. The plaintiff's alleged injuries and damages were caused and/or contributed to, in whole or in part, by the negligence, carelessness, or recklessness of persons, parties, and/or organizations other than the answering defendant, over whom the answering defendant had no control, right of control, or responsibility.

26. The plaintiff's alleged injuries and damages were caused by the intervening negligence of a third person or persons, which was the superseding cause of the plaintiffs' injuries and damages and, therefore, answering defendant is not liable to the plaintiffs or to anyone else.

WHEREFORE, answering defendant, Ashford TRS Bucks County, LLC d/b/a Bucks County Sheraton, demands that the plaintiffs' complaint against it be dismissed.

**BENNETT, BRICKLIN & SALTZBURG LLC**

By: /s/ Victoria M. Komarnicki

**VICTORIA M. KOMARNICKI**

Attorney for Defendant,  
Ashford TRS Bucks County, LLC d/b/a Bucks  
County Sheraton

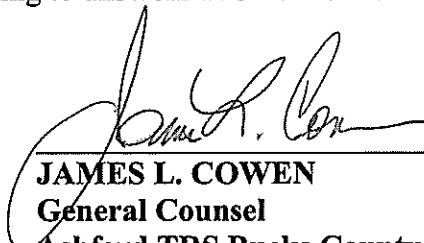
April 11, 2022

**VERIFICATION**

I, James L. Cowen, hereby verify that I am a duly authorized representative for Ashford TRS Bucks County d/b/a Bucks County Sheraton, a defendant in the above captioned action, and I am authorized to execute this verification in support of the attached Answer to the Plaintiff's Complaint with New Matter, which is based upon information that I have furnished to counsel and information which has been gathered by counsel in the preparation of the defense of this lawsuit. The language of the Answer to the Plaintiff's Complaint with New Matter is that of counsel and not mine. I have read the Answer to the Plaintiff's Complaint with New Matter and, to the extent it is based upon information which I have given to counsel, it is true and correct to the best of my knowledge, information, and belief. To the extent that the content of the Answer to the Plaintiff's Complaint with New Matter is that of counsel, I have relied upon counsel in making this verification. I understand that false statements made herein made are subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

DATE: April 11, 2022

Polanco v. Ashford TRS  
Bucks County, LLC d/b/a  
Bucks County Sheraton



James L. Cowen  
JAMES L. COWEN  
General Counsel  
Ashford TRS Bucks County, LLC d/b/a  
Bucks County Sheraton

# **EXHIBIT “A”**

BENNETT, BRICKLIN & SALTZBURG LLC  
BY: VICTORIA M. KOMARNICKI  
ATTORNEY I.D. NO. 34673  
CENTRE SQUARE, WEST TOWER  
1500 MARKET STREET  
32ND FLOOR  
PHILADELPHIA, PA 19102  
(215) 665-3303  
komarnicki@bbs-law.com

Attorney for Defendants *Office of Judicial Records*  
Ashford TRS Bucks County, LLC *08 APR 2022 12:06 pm*  
Bucks County Sheraton (incorrectly named  
E. HAURIN  
Ashford TRS Bucks County, LLC d/b/a  
Sheraton Bucks County)

DORYS POLANCO

V.

ASHFORD TRS BUCKS COUNTY, LLC,  
d/b/a SHERATON BUCKS COUNTY;  
and JOHN DOE 1-10 (fictitiously named);  
and ABC Co. 1-10 (fictitiously named), and  
XYZ Corporations 1-10 (fictitiously named  
construction, maintenance, repair and/or  
property management corporations)

: COURT OF COMMON PLEAS  
: PHILADELPHIA COUNTY

NO. 220302596

**STIPULATION OF COUNSEL RE DISMISSAL OF ALL PARTIES EXCEPT ASHFORD  
TRS BUCKS COUNTY, LLC D/B/A BUCKS COUNTY SHERATON AND TO  
CORRECT NAME OF DEFENDANT**

It is stipulated by the parties as follows: (1) all defendants, except for Ashford TRS Bucks County, LLC d/b/a Bucks County Sheraton, are dismissed without prejudice; (2) the correct name of the remaining defendant is Ashford TRS Bucks County, LLC d/b/a Bucks County Sheraton (incorrectly named Ashford TRS Bucks County, LLC d/b/a Sheraton Bucks County); (3) the caption is amended to correct the name of the defendant; and (4) the caption shall read: Dorys Polanco v. Ashford TRS Bucks County, LLC d/b/a Bucks County Sheraton.

**BRANDON J. BRODERICK**  
Attorney at Law

By: Christopher A. Bradley 4-8-22  
CHRISTOPHER A. BRADLEY  
Attorney for Plaintiff

## **BENNETT, BRICKLIN & SALTZBURG LLC**

By: Victoria M. Komarnicki 4-8-22  
VICTORIA M. KOMARNICKI  
Attorney for Ashford TRS Bucks County, LLC  
d/b/a Bucks County Sheraton